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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**FAX RECEIVED**

Applicants : Löfroth et al. DEC 31 2001  
Serial No. : 08/945,655 OFFICIAL GROUP 1600  
Filed : October 24, 1997  
For : PHARMACEUTICAL COMPOSITION FOR SUSTAINED  
RELEASE OF THE HMG-COA REDUCTASE INHIBITOR  
FLUVASTATIN  
Examiner : W. Webman  
Group Art Unit : 1617

I hereby certify that this paper is being facsimile transmitted  
to the United States Patent and Trademark Office  
at: 703-305-3592

Thelma A. Chen Cleland 40,948  
Name PTO Reg. No.

Thelma A. Chen Cleland 12/28/01  
Signature Date of Signature

**LETTER**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

This paper is submitted in response to the Examiner's telephone call with the undersigned agent yesterday regarding the above-identified application. The Examiner indicated that a response to the Office Action mailed on June 20, 2001, regarding a restriction requirement had not been received by the U.S. Patent and Trademark Office ("PTO").

1103326-0283

Applicants submit that a timely Response to the Office Action was filed with the PTO on October 18, 2001. A copy of the Response is attached herewith for the Examiner's consideration. At the time of filing, the Response contained a proper Certificate of Mailing under 37 CFR §1.8 and a Petition for Extension of Time to extend the period of response to October 20, 2001. The Petition included a check in the amount of \$920 to pay the required extension fee. Copies of the \$920 check dated October 18, 2001, and a return-receipt postcard ("postcard") submitted with the Response are also enclosed for the Examiner's consideration.

The undersigned has information from the agent's Accounting Department that the \$920 check has not, to date, been paid by the bank. Moreover, Applicants have not received the postcard bearing the stamp of the PTO mailroom, which acknowledges receipt of the documents. Therefore, Applicants believe that the timely filed Response in the application was lost in the mail, either in the U.S. Postal Service or in the PTO's mailroom.

Nevertheless, as signified by the certificate of mailing under 37 CFR §1.8, there was a reasonable basis to expect that the Response would be mailed on the date indicated, i.e., October 18, 2001. Perhaps the incidents following the disruption of the PTO mail service following the September 11, 2001 attack and anthrax scare contributed to the PTO's failure to receive the Response.

1103326-0283

Pursuant to the Examiner's instructions, Applicants are submitting a copy of the Response that was filed on October 18, 2001. Accordingly, Applicants request that the Response be considered by the Examiner.

If the original documents do not reach the PTO, the Commissioner is hereby authorized to charge the \$920 required fee and any additional fees due with this paper or credit any overpayments to Deposit Account No. 23-1703.

Dated: December 28, 2001

Respectfully submitted,



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Thelma A. Chen Cleland  
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**Enclosures**

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## FACSIMILE TRANSMISSION

Date: December 28, 2001

No. of Pages (including cover): 13

To: Examiner: E. Webman  
US PATENT AND TRADEMARK  
OFFICE

Fax Number: (703) 305-3592

Contact Number:

From: Thelma A. Chen Cleland, Ph.D.

Reference No.: 1103326-0283

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Applicant: LÖFROTH, ET AL.

Serial No.: 08/945,655

Filed: October 24, 1997

Group art unit: 1617

Please see the attached. Thank you.

Honorable Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Date 10, 18, 01  
File No. 1103336-0383  
Atty. Docket OS 1945, 655  
Serial No. OS 1945, 655

Sir:

Kindly acknowledge receipt of the accompanying:

Maintenance Fee Transmittal and check for \$ \_\_\_\_\_  
 Response to Official Action. \_\_\_\_\_  
 Check for \$ \_\_\_\_\_ (claims fee) 920  
 Petition under 37 CFR 1.136 and Check for \$ \_\_\_\_\_  
 Notice of Appeal and Check for \$ \_\_\_\_\_  
 Information Disclosure Statement PTO - 1449 and \_\_\_\_\_ references  
 Claim priority and certified copies of \_\_\_\_\_ priority applications  
 basic fee transmittal and Check for \$ \_\_\_\_\_  
 Other (specify) \_\_\_\_\_

by placing your receiving date stamp hereon and mailing or returning to deliverer.

Atty. B. STERLING Due Date 10/30/0137 CFR 1.8   
37 CFR 1.10   
By Hand